1946

File No. B·Rent Restriction and B·Rents Hotel Rates/46.

Legal Department

B **BRANCH**

Subject:— A Bill to amend the Bombay Rent Restriction Act, 1939, and the Bombay Rents Hotel Rates and Lodging House Rates (Control) Act, 1944.

(Bom IX of 1946)

P. S. 7

File No. B·Rent Restriction and B·Rents, Hotel Rates/46.

235-B

Office of the R.L.A.

A revised draft Bill is sent herewith. It is presumed that protection from eviction is to be provided for tenants holding over in respect of Part III as well as Part ~~II~~ II of Bem. VII of 1944. The Bill therefore amends section 17 as well as section 4 of that Act.

2. The subject matter of the Bill falls under ~~entries~~ entries 1,2,21 and 37 in List II and entries Nos.4,8,10 and 15 in List III in the Seventh Schedule to the Government of India Act, 1935. The Provisions of this Bill extend the application of the two principal Acts which it amends to tenants holding over and hence are repugnant, as the principal Acts were, to the Transfer of Property Act, 1882, the Indian Contract Act, 1872 and Chapters VII and VIII of the Presidency Small Cause Courts Act, 1882, which are existing Indian Laws relating to entries 8,10,4 and 15 of the Concurrent Legislative List. It will therefore be necessary to reserve the Bill for the consideration of the Governer General with reference to section 107(2) of the Government of India ~~Act, 1935, and paragraph (2) of the Proclamation.~~ Act, 1935, and paragraph (2) of the Proclamation. (Under executive instructions the Bill requires the previous concurrence of the Governor General before enactment (Please see G.S.'s Circular No. 201(12) dated 10th December 1939).

Id/- P.N.M.
3/7/45

Remembrancer of Legal Affairs.

U.R. to G.D. No. 4944 dated 4th July 1945.

4 c.
V.R.K.
12/7/56

No. 769
Legal Department,
Bombay Castle, 28th January 1948.

From

P.N. Moos, Esquire, Bar-at-Law, I. C. S.,
Secretary to the Government of Bombay;

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Rent Restriction Act, 1939, and the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944.

With reference to your ~~xxx~~ memorandum No. 201 (107), dated the 3rd September 1945, addressed to the General Department, on the above subject, I am directed to send herewith a copy of the Bill to amend the Bombay Rent Restriction Act, 1939, and the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, prepared by His Excellency the Governor under paragraph (2) of the proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to request you to forward the same to the Secretary to the Governor General (Public) for obtaining assent of His Excellency the Governor General.

2. The subject-matter of the Bill falls under entries 1,2,21, and 37 in List II and entries No. 4,8, 10 and 15 in List III in the Seventh Schedule to the Government of India Act, 1935. The provisions of this Bill extend the application of the two principal Acts which it amends to tenants holding over and hence are repugnant, as the principal Acts were, to the Transfer of Property Act, 1882, the Indian Contract Act, 1872 and Chapters VII and VIII of the Presidency Small Cause Courts Act, 1882, which are existing Indian laws relating to entries 8,10,4 and 15 of the Concurrent Legislative List.

4 c.
V.R.K.
12/7/56

It will therefore be necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935, and paragraph (2) of the B Proclamation.

3. I also forward herewith six spare copies of the Bill out of which five copies are for transmission to the Secretary to the Governor General (Public).

Your obedient servant,

O/C. Sd/-
28/1/46

Secretary to the Government of Bom,
Legal Department.

Through

The Secretary to the Government of Bombay,
General Department.

4 c.
V.R.K.
12/7/56

No. G.S.376.
Office of the Governor's Secretary
Government House,

From

G.G.Drewe, Esquire, OBE.ICS.
Secretary to the Governor of Bombay,

To

The Secretary to Government,
Legal Department, Bombay,

Bombay, 21st February 1946.

Subject: The Bombay Rent Restriction and the Bombay Rents, Hotel Rates and Lodging House Rates (Control)(Amendment) Bill 1946.

Sir,

With reference to your letter No. 769, dated the 28th January 1946, on the above subject, I am directed to forward herewith the copy of the Bombay Rent Restriction and the Bombay Rents, Hotel Rates and Lodging House Rates (Control)(Amendment) Bill, 1946, with His Excellency the Governor-General's assent signified thereon.

Yours obedient servant,

Sd/-

for Secretary to the Governor of Bombay.

4 c.
V.R.K.
12/7/56

A C T S

Publication of the Bombay Rent Restriction and the Bombay Rents, Hotel Rates and Lodging House Rates (Control) (Amendment) Act, 1946

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 1583
Bombay Castle, 25th February 1946.

Letter to the Secretary to the Governor No. 769, dated the 28th January 1946.

Letter from the Secretary to the Governor No. G.S. 376, dated the 21st February 1946.

"With reference to your letter No. 769, dated the 28th January 1946, on the above subject, I am directed to forward herewith the copy of the Bombay Rent Restriction and the Bombay Rents, Hotel Rates and Lodging House Rates (Control) (Amendment) Bill, 1946, with His Excellency the Governor-General assent signified thereon."

RESOLUTION - The law should be published as Bombay Act No. IV of 1946 in the Bombay Government Gazette dated the 25th February 1946.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devanagri Scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department.

By orderof the Governor of Bombay

Sd/- (M.G.Menani)

Additional Deputy Secretary to Govt.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department)
The General Department.
The Oriental Translator to Government, Bombay (with a copy of the Act).
The Secretary to the Bombay Legislative Council (with a copy of the Act).
The Secretary to the Bombay Legislative Assembly (with a copy of the Act).
† With five extra copies.

4 c.
V.R.K.
12/7/56

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY.

MONDAY, 25TH FEBRUARY 1946.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	Pages
BOMBAY ACT No. IV OF 1946—An Act to amend the Bombay Rent Restriction Act, 1939, and the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944	77-78

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor-General on the 14th February 1946 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. IV OF 1946.

(First published, after having received the assent of the Governor-General, in the "Bombay Government Gazette" on the 25th February 1946.)

An Act to amend the Bombay Rent Restriction Act, 1939, and the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944.

Bom. XVI of 1939. Bom. VII of 1944.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, and the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, for the purpose hereinafter appearing;

26, Geo. 5, Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

Short title.

1. This Act may be called the Bombay Rent Restriction and the Bombay Rents, Hotel Rates and Lodging House Rates (Control) (Amendment) Act, 1946.

Amendment of section 4 of Bom. XVI of 1939.

2. To clause (*4*) of section 4 of the Bombay Rent Restriction Act, 1939, the following shall be added and shall be deemed always to have been added, namely :— Bom. XVI of 1939.

"and also every person remaining in possession of the premises leased to him after the determination of the lease with or without the assent of the landlord."

Amendment of sections 4 and 17 of Bom. VII of 1944.

3. To clause (*5*) of section 4 and clause (*6*) of section 17 of the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, the following shall be added and shall be deemed always to have been added, namely :— Bom. VII of 1944.

"and also every person remaining in possession of the premises leased to him after the determination of the lease with or without the assent of the landlord."

STATEMENT.

In a suit filed in the Court of the Civil Judge (Junior Division), Andheri, he held that where premises are rented on a lease for a period of one year or more, the lessee is not entitled to protection of the Bombay Rent Restriction Act, 1939, after the determination of the lease. In the opinion of Government during the present abnormal conditions it is necessary that such a lessee should be allowed to continue as a tenant within the meaning both of section 4 (*4*) of the Bombay Rent Restriction Act, 1939, and section 4 (*5*) and section 17 (*6*) of the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, and get protection from eviction provided for tenants in the first Act and Parts II and III of the second Act. The Act is intended to achieve this object.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.